



[Billing Code 7709-02-P]

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Request for Coverage Determination

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) approve, under the Paperwork Reduction Act, a collection of information necessary for PBGC to determine whether a plan is covered under title IV of the Employee Retirement Security Income Act of 1974. This notice informs the public of PBGC's request and solicits public comment on the collection.

DATES: Comments must be submitted by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at OIRA_submission@omb.eop.gov or by fax to 202-395-6974.

A copy of the request will be posted on PBGC's web site at:

<https://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review>. It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel, 1200 K Street, NW, Washington, DC 20005-4026; faxing a request to 202-326-4042; or, calling 202-326-4040 during normal business hours (TTY users may call the Federal Relay Service toll-free at 1-800-877-8339 and ask to be connected to 202-326-

4040). The Disclosure Division will e-mail, fax, or mail the information to you, as you request.

FOR FURTHER INFORMATION CONTACT: Melissa Rifkin (*rifkin.melissa@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW, Washington DC 20005–4026; 202–326–4400, extension 6563. TTY users may call the Federal Relay Service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, extension 6563.

SUPPLEMENTARY INFORMATION: PBGC insures defined benefit pension plans covered under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). A plan is covered if it is described in section 4021(a) of ERISA and does not meet one of the exemptions from coverage listed in section 4021(b)(1)–(13). If a question arises about whether a plan is covered under title IV, PBGC may make a coverage determination.

The proposed form and instructions would be used by a plan sponsor or plan administrator to request a coverage determination and would be suitable for all types of requests. The proposed form would highlight the four plan types for which coverage determinations are most frequently requested: (1) church plans as listed in section 4021(b)(3) of ERISA; (2) plans that are established and maintained exclusively for the benefit of plan sponsors' substantial owners as listed in section 4021(b)(9); (3) plans covering, since September 2, 1974, no more than 25 active participants that are established and maintained by professional services employers as listed in section 4021(b)(13); and (4) Puerto Rico-based plans within the meaning of section 1022(i)(1) of ERISA.

PBGC needs this information collection to determine whether a plan is covered or not covered under title IV. Information provided to PBGC would be confidential to the extent provided in the Freedom of Information Act and the Privacy Act.

On December 4, 2018, PBGC published in the Federal Register (at 83 FR 62629) a notice informing the public of its intent to request an approval of this collection of information. PBGC received comments from three commenters about this collection of information. One commenter expressed approval for the creation of the form for its intended purpose. The other two commenters recommended some changes. After consideration of these recommendations, PBGC made some changes to the form and instructions. Among the changes, in response to a suggestion to allow a plan not yet in existence to request a coverage determination, PBGC modified the form and instructions to enable certain plans not yet established to use the form to request an opinion from PBGC. The instructions now explain that, under a pilot program, a plan that is proposed but not yet established may request an opinion from PBGC as to whether the sponsoring employer is a professional service employer under section 4021(b)(13) of ERISA or whether all participants are substantial owners under section 4021(b)(9). The comments and PBGC's rationale for its decisions are discussed in the supporting statement submitted to OMB for this information collection.

PBGC is requesting that OMB approve of the collection for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that 425 forms would be submitted each year. PBGC estimates that each form would require approximately 20 hours to complete by a combination of plan office staff (50%) and outside professionals (attorneys and actuaries) (50%). PBGC

estimates an annual hour burden of 4,250 hours (based on plan office time). The estimated dollar equivalent of this hour burden, based on an assumed hourly rate of \$75 for administrative, clerical, and supervisory time is \$318,750. PBGC estimates an annual cost burden of \$1,487,500 (based on 4,250 professional hours assuming an average hourly rate of \$350).

Issued in Washington, DC, by:

Hilary Duke,
*Assistant General Counsel for Regulatory Affairs,
Pension Benefit Guaranty Corporation.*

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